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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,652	06/14/2005	Come Bureau	ROBCA15.001APC	6633
20995 7590 07/12/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER LEE, LAURA MICHELLE	
			ART UNIT 3724	PAPER NUMBER
			NOTIFICATION DATE 07/12/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/539,652

Applicant(s)

BUREAU, COME

Examiner

Laura M. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/14/2005; 11/21/2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the elected restriction requirement filed 4/20/2007, in which claims 1-17 are pending and claims 1-16 are elected.

Election/Restrictions

2. Applicant's election of claims 1-16 in the reply filed on 4/20/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim 17 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/20/2007.

Drawings

3. The drawings are objected to because Figure 1 has not been provided in English. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

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made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

On page 11, line 9, "two trimming heads (48)" should be --two trimming heads (58)--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,2,9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909).

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McGriff discloses an apparatus for guiding a plank towards cutting tools, the apparatus comprising: a frame (support frame, 10); a platform (base plates, 94/94 and table 48) mounted on the frame (10) and having a support surface (48) for supporting the plank; a first guide and drive mechanism (84, 84) mounted on the platform for receiving, guiding and driving the plank along a path (32) on the support surface, the first mechanism comprising two first guide and drive elements (84,84) arranged opposite relative to the path; a second guide and drive mechanism (82,82) mounted on the platform for guiding and driving the plank from the first mechanism along the path on the support surface up to the cutting tools (44), the second mechanism comprising two second guide and drive elements (82, 82) arranged opposite relative to the path and being substantially parallel to the path, the guide and drive elements of the mechanisms located on a same side of the path being connected by a pivot axis (axis of the toothed chain); and displacing means (rocket arm, 118) for displacing the guide and drive elements from the first and second mechanisms in parallel and equidistant in relation to the path (32).

McGriff does not disclose that the displacing means is in response to a signal generated from an evaluating means for evaluating the plank representing at least one parameter of the plank; instead McGriff discloses that the displacing means is manually operated. However, attention is directed to the Stroud device that discloses another device that optimizes the volume of boards cut by a log in which the system takes into account curved, tapered and straight logs to automatically position the displacement means. Stroud discloses utilizing a scanning system that records in the computer memory the shape of the cant so that the feed rolls can be positioned by the computer

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to process the cant, whether its surface is be curved, tapered, or straight. It would have been obvious to one having ordinary skill in the art at the time of the invention to have similarly provided a scanning system on the McGriff device to enable a automated scanning and roll positioning system as taught by Stroud so that the process would not require additional operator assistance. Additionally it is noted that it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

In regards to claim 2, the modified device of McGriff discloses wherein the platform (94,94,48) comprises two support plates (88/90) equidistant in relation to the path, the guide and drive elements (82,84,86; right side) and (82,84,86; left side) of the mechanism located on the same side of the path being mounted on the corresponding support plate (88/90), the apparatus further comprising two actuators (adjustable linkage rods, 120/122) for displacing the support plates transversally in relation to the path in response to the signal, each of the actuators being mounted transversally relative to the path (32) and comprising a first end fixed to the frame and a second end fixed to the corresponding support plate.

In regards to claim 9, wherein the first and second guide and drive mechanisms comprise means for (air cylinder, 130) exerting a pressure on the first and second guide and drive elements on each side of the plank.

In regards to claim 14, further comprising two trimming heads mounted on either side of the path (column 8, lines 38-44).

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909) view of Hutchinson et al. (U.S. Patent 3,045,728), herein referred to as Hutchinson. McGriff does not disclose wherein each of the guide and drive elements of the mechanisms comprises an endless belt having an exterior surface covered with a toothed chain mat, and toothed wheels for driving the belt. However, attention is directed to the Hutchinson reference that discloses an alternative mechanism for conveying logs of varying size that utilizes an endless belt type conveyor with a contact surface that provides sharp retaining surfaces to contact the log to be carried thereby. Hutchinson discloses that the positive grip prevents the log from rotating or oscillating about its axis due to the forces of the cutting operation. It similarly would have been obvious to one having ordinary skill in the art to have modified the roller apparatus of McGriff to have comprised a belt with gripping teeth as taught by Hutchinson to aid in the retention of the log as it is conveyed through the cutting system. The modified device of McGriff therefore discloses wherein the guide and drive elements of the mechanisms comprise an endless belt (Hutchinson 34) having an exterior surface covered with a toothed chain mat (Hutchinson 40), and toothed wheels (Hutchinson 24/28) for driving the belt (Hutchinson 34)

In regards to claim 4, the modified device of McGriff discloses wherein the guide and drive elements of the mechanisms located on the same side of the path have a common toothed wheel (Hutchinson 34) which is able to turn about the pivot axis, the belts of the guide and drive elements of the mechanism located on the same side of the path together forming a single belt.

In regards to claim 5, the modified device of McGriff discloses wherein each of the guide and drive elements of the mechanisms comprises a support wall (Hutchinson 30) facing the path and located between the intended wheels for supporting the belt.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909) and in further view of Richardson (U.S. Patent 2,169,394).

9. In regards to claim 6, the modified device of McGriff does not disclose wherein the displacing means comprises: first and second pairs of jointed arms located on either side of the path, the arms of each pair being arranged in parallel, the arms of each pair being mounted between the support surface and the corresponding second guide and drive element; McGriff only discloses one actuator on each side. However, attention is directed to the Richardson device that similarly discloses a feeding machine, wherein each roller (10,11,12, and 13) are each moved with a corresponding actuator, such that there are two mounted between the first and second guide and drive elements. It is also noted that it has been held that mere duplication of the essential working parts of a

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device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It would have been obvious to one having ordinary skill in the art to have added a actuating mechanism to each side of the McGriff device as taught by Richardson to have provide additional control and movement means of the rollers.

Therefore, the modified device of McGriff discloses first and second pair of jointed arms located on either side of the path, the arms of each pair being arranged in parallel, the arms of each pair being mounted between the support surface and the corresponding second guide and drive element; and a mechanical connection (the attachment means on rocker arm, 118) linking the first and second pairs of jointed arms for coordinating a movement of the pairs of jointed arms in parallel and equidistant relative to the path.

In regards to claim 7, the modified device of McGriff discloses wherein the mechanical connection comprises means for adjusting the length of the mechanical connection according to the distance between the support plates (see McGriff, column 7, lines 11-22).

In regards to claim 8, the modified device of McGriff discloses wherein the means for adjusting the length of the mechanical connection comprise an actuator mounted on the mechanical connection between the first and second pairs of jointed arms (see McGriff, column 7, lines 11-22).

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10. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909) and in further view of Richardson (U.S. Patent 2,169,394) and in still further view of Jansson (U.S. Patent 4,637,443). The modified device of McGriff does not disclose wherein the means for exerting a pressure on the first guide and drive elements comprise two actuators being mounted between the first guide and drive element and the second guide and drive element of a same side of the path, McGriff only discloses one actuator. However, attention is directed to the Richardson device that similarly discloses a feeding machine, wherein each roller (10,11,12, and 13) are each moved with a corresponding actuator, such that there are two mounted between the first and second guide and drive elements. It is also noted that it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It would have been obvious to one having ordinary skill in the art to have added a actuating mechanism to each side of the McGriff device as taught by Richardson to have provide additional control and movement means of the rollers.

Furthermore, in regards to claims 12 and 13, the modified device of McGriff does not disclose that the two actuators are bellows. However, attention is further directed to the Jansson saw assembly that discloses that the actuator devices, i.e. the pneumatic piston-cylinder devices 23 can be replaced, for example, with simple pneumatic bellows supplemented with feed-device spring return means. Therefore as both means are equivalent means of moving the rollers and as both means are old and well known in

the art as shown by Jannson, it would have been obvious to one having ordinary skill in the art to have substituted the two actuators for two bellows such that the modified device of McGriff would disclose that the means for exerting a pressure on the first guide and drive elements comprise two bellows being mounted between the first guide and drive element and the second guide and drive element of a same side of the path and mounted between the support surface and the corresponding second guide and drive element.

11. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGriff (U.S. Patent 4,210,184) in view of Stroud (U.S. Patent 4,947,909) and in further view of Sellers, Jr. et al. (U.S. Patent 3,844,399), herein referred to as Sellers.

The modified device of McGriff does not disclose detection means for detecting different positions of the plank in the apparatus, and activation means for activating the first and second guide and drive mechanisms as a function of the different positions of the plank. However, attention is directed to the Sellers device that discloses another log conveying apparatus wherein a plurality of photocells (120; Figure 6) are used to activate and deactivate the guiding roller assemblies according to the presence or absence of log at the assembly. Thereby when a log approaches, the photocells detect the logs presence and signal a control switch to active the rollers against the log. It would have been obvious to one having ordinary skill in the art at the time of the invention to have similarly utilized a plurality of photocells on the McGriff device as

taught by Sellers to automate and/or deactivate the rollers upon the detection or lack there of the logs to create a more efficient system.

In regards to claim 16, the modified device of McGriff discloses wherein the detection means comprise photocells (120) for detecting a displacement of the plank when said plank is received by the first guide and drive mechanism.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,216,756 to Mason, U.S. Patent 5,447,186 to Achard et al., U.S. Patent 5,853,038 to Newnes, U.S. Patent 5,421,386 to Lundstrom, U.S. Patent 6,039,098 to Kennedy et al., U.S. Patent 3,397,764 to Yeadon, U.S. Patent 7,117,907 to Mitchell, U.S. Patent 6,860,302 to Brisson, U.S. Patent 3,510,042 to Romere, U.S. Patent 2,794,466 to Leffler, U.S. Patent 4,881,584 to Wislocker et al., U.S. Patent 6,896,019 to Archard et al., U.S. Patent 4,144,782 to Lindstrom, U.S. Patent 5,435,361 to Knerr, U.S. Patent 4,724,877 to Culley, Jr.

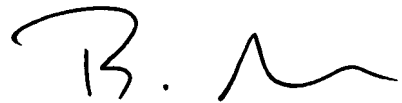
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Lee whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LML
06/19/2007

A handwritten signature in black ink, appearing to read 'B. Ashley', with a stylized flourish at the end.

BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER